

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES  
OF AMERICA

V.

ROBERT KNOWLES,  
Defendant,

CRIMINAL NO. 04-30019-MAP

DEFENDANT'S MOTION FOR DISCOVERY OF EXPERT TESTIMONY

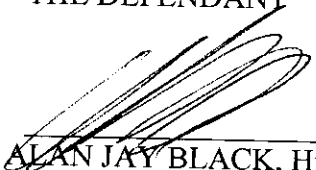
The defendant, Robert Knowles, by and through his attorney, and moves this court, pursuant to the Fifth and Sixth Amendments to the United States Constitution, Brady v. Maryland, 373 U.S. 83 (1963), Rule 16 of the Federal Rules of Criminal Procedure and Rule 116.1 of the USDC Local Rules that the Court order the government to furnish to the defendant, prior to trial the following items of discovery:

1. A written list of the names, addresses and qualifications of all experts the government intends to call as witnesses at trial, including, but not limited to law enforcement officers, together with all reports made by such experts or, if reports have not been made, a brief description of the opinion and subject matter to which each is to testify.
2. All documents relating to any administrative complaint against the government's proposed expert witness, including, but not limited to, violations of personnel regulations and violations of internal procedures.
3. All performance evaluations and other similar documents concerning the government's proposed expert witness from all law enforcement agencies from the date of his original appointment as a police officer to the present.
4. All training materials including manuals, handouts, outlines, films which have been used in training the government's proposed expert witnesses.

5. Any scientific journals, books, reports used to form the basis of the expert's opinion.

Respectfully submitted,

THE DEFENDANT



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MEMORANDUM IN SUPPORT OF  
DEFENDANT'S MOTION FOR DISCOVERY OF EXPERT TESTIMONY

According to rule 16 (1)(G) of the Federal Rules of Criminal Procedure, at the defendant's request, the government must give to the defendant a written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case in chief at trial. Under this rule the summary provided must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.

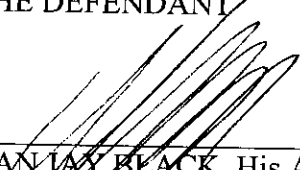
Further, the government has a constitutional duty to disclose evidence in its possession that is favorable to the defendant and is material either to guilt or to innocence. Brady v. Maryland, 373 U.S. 83-87 (1963). The government must disclose evidence favorable to a defendant including exculpatory evidence, which tends to prove the defendant's innocence. See, United States v. Bagley, 473 U.S. 667, 676 (1985). The government must disclose impeachment evidence that is favorable to the defendant and material to guilt or innocence. See, Giglio v. United States, 405 U.S. 150, 154 (1972) and Ouimette v. Moran, 942 F.2d 1, 10-11 (1st Circuit 1991). A specific request by the defense for particularly described evidence may impose a higher duty of disclosure upon the prosecution than a general request or not request. See, United States v. Augers, 427 U.S. 97-106 (1976). Brady applies not only to information in the possession of

the prosecutor by to information in the files of all governmental investigative agencies. See, Giglio v. United States, 405 U.S. 150, 154 (1972) and United States v. Osorio, 929 F.2d 753, 761 (1st Circuit 1991). The evidence requested by the defense is entirely within the possession of the government or other law enforcement agencies. The defense is not able to obtain the requested evidence on its own.

In the case at bar, the defendant's Sixth Amendment right to confrontation by way of effective cross-examination of the government's expert witness mandates disclosure by the government of the requested materials.

Respectfully submitted,

THE DEFENDANT



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